



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/370,770	08/09/1999	JUSTIN CHE-I CHUANG	2685/5259	8481

26652 7590 03/25/2004

AT&T CORP.
P.O. BOX 4110
MIDDLETOWN, NJ 07748

EXAMINER

LUGO, DAVID B

ART UNIT	PAPER NUMBER
----------	--------------

2634

DATE MAILED: 03/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/370,770

Applicant(s)

CHUANG ET AL.

Examiner

David B. Lugo

Art Unit

2634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 16-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 1-12 and 16-19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 October 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The finality of the Office action mailed 12/1/03 is hereby withdrawn in view of the claim objections set forth below.

Response to Amendment

2. The reply filed on 3/1/04 has been entered. It is noted that the claim identifiers for claims 8 and 16 in the amendment are incorrect, as both claims 8 and 16 were previously amended. Further, claim 8 has been slightly changed, and is objected to below. In addition, several other claim objections have been made.

Drawings

3. The drawings are objected to because in Figure 1, transmitter 100 is shown to include a transceiver 115, and similarly, receiver 105 is shown to comprise a transceiver 115. This is contrary with the general interpretation of those terms, as a transceiver comprises a transmitter and a receiver, and not vice versa. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

4. The disclosure is objected to because of the following informalities:

With respect to the explanation of Fig. 1 in page 6, the description of the transmitter 100 and receiver 105 as comprising a transceiver is contrary with the general interpretation of those terms, as a transceiver comprises a transmitter and a receiver, and not vice versa.

Appropriate correction is required.

Claim Objections

5. Claims 1-12 and 16-19 are objected to because of the following informalities:
- a. In claim 1, lines 3-4 and lines 7-8, it is suggested that “at least one link adaptation modes” be amended with --at least two link adaptation modes--, as link adaptation can only be performed when there is more than one adaptation mode.
 - b. Claim 2, line 2, “at least one link adaptation modes” should be --at least two link adaptation modes--.
 - c. Claim 2, line 3, “steps” should be --step--.
 - d. Claim 3, line 5, “at least one link adaptation modes” should be --at least two link adaptation modes--.
 - e. Claim 6, lines 1-2, “at least one link adaptation modes” should be --at least two link adaptation modes--, and “the Enhanced Data Rates for OSM” should be --Enhanced Data Rates for GSM--.
 - f. Claim 8, line 1, “method” should be --A method--.
 - g. In claim 11, a period should be inserted at the end of the claim.
 - h. Claim 12, lines 4-5, “at least one link adaptation modes” should be --at least two link adaptation modes--.
 - i. In claims 16 and 19, the claimed receiver and transmitter is recited to include a transceiver, which is contrary with the general interpretation of those terms, as a transceiver comprises a transmitter and a receiver, and not vice versa.
 - j. Claim 16, line 3, “further” should be deleted.
 - k. Claim 16, line 7, “further” should be deleted.

- l. Claim 16, lines 17-18, it is suggested that step (c) indicate that the link adaptation is being performed on the link between the transmitter and the current receiver.
 - m. Claim 17, line 4, "at least one link adaptation modes" should be --at least two link adaptation modes--.
 - n. Claim 18, steps (b), (c) and (d) should be (a), (b) and (c), respectively.
 - o. Claim 19, line 3, "further" should be deleted.
 - p. Claim 19, line 7, "further" should be deleted.
- Appropriate correction is required.

Allowable Subject Matter

- 6. Claims 1-12 and 16-19 would be allowable if rewritten to overcome the objections set forth in this Office action.

Conclusion

- 7. This application is in condition for allowance except for the formal matters indicated above.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **David B. Lugo** whose telephone number is **(703) 305-0954**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Stephen Chin**, can be reached at **(703) 305-4714**.

Application/Control Number: 09/370,770

Page 5

Art Unit: 2634

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

P.O. Box 1450

Alexandria, VA 22313-1450

or faxed to:

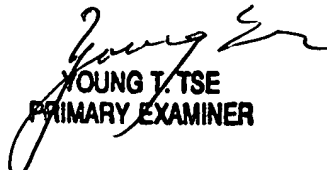
(703) 872-9306

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

dl

3/10/04


YOUNG T. TSE
PRIMARY EXAMINER